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Attorneys for LEXINGTON INSURANCE
COMPANY and THE INSURANCE COMPANY
OF THE STATE OF PENNSYLVANIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AMERICAN STEEL & STAIRWAYS, INC.;) Case No. 12 cv 3103 JST
MARTIN VOLLRATH, an individual; and)
THOMAS VOLLRATH, an individual,)

Plaintiffs,)

v.)

LEXINGTON INSURANCE COMPANY, a)
Delaware corporation; THE INSURANCE)
COMPANY OF THE STATE OF)
PENNSYLVANIA, a Pennsylvania)
corporation; and DOES 1 through 100,)
inclusive,)

Defendants.)

**STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING DEADLINE FOR
DEFENDANTS TO RESPOND TO
DISCOVERY REQUESTS**

Pursuant to Civil Local Rules 6-1 and 6-2 of the Northern District of California, Defendants Lexington Insurance Company (“Lexington”) and The Insurance Company of the State of Pennsylvania (“ISOP”) (collectively “Defendants”) and Plaintiffs American Steel & Stairways, Inc., Martin Vollrath and Thomas Vollrath (collectively “Plaintiffs”) (collectively, the “Parties”), by their undersigned attorneys, hereby stipulate and agree as follows:

1. The Court set case deadlines for this matter on June 3, 2013. The deadlines include a fact discovery cutoff of December 20, 2013.

2. Plaintiffs served upon Defendants the following discovery requests on November 14, 2013 which were received by Lexington and ISOP on November 18, 2013: (1) Requests for Admissions to Lexington and ISOP – Set One; (2) Interrogatories to Lexington – Set One; (3) Interrogatories to ISOP – Set One; (4) Request for Production of Documents to Lexington – Set Two; and (5) Request for Production of Documents to ISOP – Set Two.

3. Pursuant to FRCP Nos. 33, 34 and 36, Defendants’ responses and objections are due by December 17, 2013.

4. The Parties are actively engaged in discovery to meet the December 20, 2013 cutoff for fact discovery.

5. However, Lexington and ISOP will need additional time to respond to the written discovery propounded on November 14, 2013 and received by Lexington and ISOP on November 18, 2013.

6. The Parties have agreed to extend the response date for the discovery requests served by Plaintiffs until January 15, 2014, provided the responses are served by email on that date. The Parties will not be prejudiced by this extension provided Plaintiffs are given the additional time set forth in paragraphs 7 and 8 below.

7. The Parties have agreed that in light of the fact that the cutoff for motions to compel fact discovery is December 27, 2013, Plaintiffs will have one week beyond January 15, 2014 to file a motion to compel further responses to the discovery requests served on November 14, 2013 and received by Lexington and ISOP on November 18, 2013, if plaintiffs determine that a motion to compel is necessary.

8. The Parties agree that in light of the fact that the cutoff for expert disclosures is January 24, 2014, Plaintiffs will have an additional week beyond the January 24, 2014 deadline to augment their expert's report based on information contained in Defendants' discovery responses and/or document production.

NOW, THEREFORE, the Parties hereby stipulate to extend the deadline for Defendants to respond to Plaintiffs' discovery requests until January 15, 2014.

IT IS SO AGREED AND STIPULATED

DATED: December 17, 2013

DATED: December 17, 2013

SEDGWICK LLP

WILLOUGHBY, STUART & BENING

By: /s/ Traci M. Ribeiro
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By: /s/ Alexander F. Stuart
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3 Attorneys for Defendants LEXINGTON
4 INSURANCE COMPANY and THE
5 INSURANCE COMPANY OF THE
6 STATE OF PENNSYLVANIA
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9 IT IS SO ORDERED.

10 DATED: December 18, 2013

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13 HONORABLE JON S. TIGAR
14 UNITED STATES DISTRICT COURT JUDGE
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